

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-20104-MARTINEZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODOLPHE JAAR,

Defendant.

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**OBJECTIONS TO PRE-SENTENCE INVESTIGATION REPORT**

Defendant, RODOLPHE JAAR, hereby files his objections to his Pre-Sentence Investigation Report (hereinafter “PSI”) and in support states:

1. Jaar entered into a written Plea Agreement with the United States of America. In this agreement, Jaar agreed to plead guilty to Counts I, II and III of the Third Superseding Indictment. Pursuant to Paragraph 6, Jaar and the United States expressly agreed they would recommend to this Court that the applicable adjusted offense level (before the application of § 3E1.1) is Level 45.<sup>1</sup> After a three-level reduction, Jaar’s advisory guideline range is a level 42 with a range of 360 months to life.

2. The PSI, however, determined that Jaar’s adjusted offense level is 55. As the total offense is greater than 43, the total offense level is 43 resulting in a sentence of life. Should this Court follow the recommendations in this PSI, Jaar will not only be deprived of the benefit of his

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<sup>1</sup>The government is bound by this agreement. *United States v. Taylor*, 77 F.3d 368 (11<sup>th</sup> Cir. 1996)(Finding the government breached its agreement by advocating for the position taken in the PSI that recommended a longer sentence than that agreed to by the parties).

plea bargain but he will be exposed to what is a mandatory life sentence. Accordingly, Jaar requests this Court sentence him within the terms of his plea agreement.

3. In addition, Jaar anticipates the Government will file a Rule 35 motion at some point after Jaar is sentenced. Therefore, Jaar wishes to reserve argument regarding the 18 U.S.C. § 3553 factors until he is resentenced.

Respectfully submitted,

BY: /s/ Frank Schwartz, Esq.  
Frank Schwartz, Esquire  
Bar No. 120250

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2023, undersigned electronically filed the foregoing document with the Clerk of the Court using CM/ECF and same was delivered to all parties in this case in the same manner.

BY: /s/ Frank Schwartz, Esq.  
Frank Schwartz, Esquire  
Bar No. 120250